



# Punjab Government Gazette

## EXTRAORDINARY

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### THE PUNJAB STATE ELECTRICITY REGULATORY COMMISSION

#### NOTIFICATION

The 25th, August 2021

**No.PSERC/Secy/Regu.159.**- In exercise of the powers conferred under Section 181 read with other provisions of the Electricity Act, 2003 (36 of 2003) and all other powers enabling the Commission in this behalf, the Punjab State Electricity Regulatory Commission hereby makes the following Regulations to amend the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2016 including first amendment providing for guidelines to the Licensees for establishment of Forum for Redressal of Grievances of the consumers; for appointment of Ombudsman; for representation against non-redressal of grievances of consumers and the time and manner of settlement of grievances by Ombudsman and for matters incidental and ancillary thereto (hereinafter referred as the Principal Regulations):-

#### 1. SHORT TITLE, EXTENT AND COMMENCEMENT

- 1.1 These Regulations may be called the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) (2nd Amendment) Regulations, 2021.
- 1.2 These Regulations shall be applicable to all distribution licensees including deemed licensee under the Act.
- 1.3 These Regulations shall extend to the whole of the State of Punjab.
- 1.4 These Regulations shall come into force from the date of their publication in the official gazette.

#### 2. Amendments in Regulation 1.5 of the Principal Regulations-Definitions

- (i) The clause (f) of Regulation 1.5 of the Principal Regulations shall be substituted as under:
  - (f) “**consumer**” for the purpose of these Regulations shall be a consumer as defined under sub-section (15) of Section 2 of the Act and shall also include a prosumer, as defined in clause (o) of this Regulation and a person applying for new connection;
- (ii) The clause (l) of Regulation 1.5 of the Principal Regulations shall be substituted as under:

(I) “**Forum**” or “**Appropriate Forum**” means the Corporate or Zonal or Circle or Divisional Forum constituted by the distribution licensee under sub-section (5) of Section 42 of the Act read with Rule 15 of the Electricity(Rights of Consumers) Rules, 2020, as per the jurisdiction specified in these Regulations;

(iii) The following sub-regulation shall be added as 1.5(o) as under;

(o) “**Prosumer**” is a person who consumes electricity from the grid and can also inject electricity in to the grid for distribution licensee, using the same point of supply.

### **3. Amendments in Chapter II-FORUM FOR REDRESSAL OF GRIEVANCES OF THE CONSUMERS**

The Regulations 2.1 to 2.54 under Chapter II of the Principal Regulations shall be substituted as under;

2.1 Every distribution licensee shall establish Consumer Grievance Redressal Forum (Fora) under sub-section (5) of section 42 of the Act to cater the needs of the sub- division, division, circle, zone and company level in accordance with these Regulations. Each forum shall be headed by an officer of the licensee of appropriate seniority and the Commission shall nominate one independent member who is familiar with the consumer affairs.

2.2 The distribution licensee shall establish one or more “Corporate Consumer Grievances Redressal Forum (Corporate Forum)” as may be decided by the Commission in accordance with these Regulations.

2.3 The distribution licensee shall establish Zone wise “Zonal Consumer Grievances Redressal Forum (Zonal Forum), Circle wise “Circle Consumer Grievances Redressal Forum (Circle Forum)” and Division wise “Divisional Consumer Grievances Redressal Forum (Division Forum)” in accordance with these Regulations.

#### **Constitution, Manner of Appointment and other Terms & Conditions of service**

##### **2.4 Corporate Consumer Grievances Redressal Forum (Corporate Forum)**

The composition of the Corporate Forum, the manner of appointment and other terms & conditions shall be as follows:-

- (i) Chairperson of the Corporate Forum shall be a serving engineer of Electrical cadre of the distribution licensee not below the rank of a Chief Engineer with experience in distribution of electricity and shall be appointed for full time to perform the functions assigned to the Chairperson under these Regulations;
- (ii) One Member shall be a serving officer from Finance & Accounts cadre of the distribution licensee not below the rank of a Chief Accounts Officer/FA or of equivalent rank, preferably having experience in revenue matters, and shall be appointed for full time to perform the functions assigned to the Member under these Regulations;
- (iii) One serving officer from commercial wing of the distribution licensee, not below the rank of Dy.CE/SE, shall be nominated by the licensee as permanent invitee and shall perform duties assigned to the Member under these Regulations;
- (iv) The Chairperson and a Member mentioned at Sr. No (i) and (ii) above, shall be appointed by the distribution licensee from amongst its serving officers with the concurrence of the Commission. The Distribution licensee shall submit to the Commission a panel of three serving officers for

each post of Chairperson/Member with proven record of integrity who have at least 2 years service left before superannuation. After considering the qualification, experience and ability of the officer, proposed for each post by the distribution licensee, the Commission shall recommend the name of each member for appointment by the licensee.

- (v) The terms and conditions of service of Chairperson and a Member mentioned at Sr. No (i) and (ii) above, shall be governed by the terms & conditions of his/her employment with the licensee and shall continue to draw same salary and allowances as he/she is entitled as a regular employee of the licensee.
- (vi) One full time Independent Member who is atleast 45 years of age and is familiar with the consumer affairs shall be nominated by the Commission. The independent member shall be a person having atleast a graduate degree. He/she shall be nominated for two years and the tenure may be extended further for one year by the Commission subject to maximum age limit of 65 years. The post of independent member shall be advertised in the press and the website of the Commission. Preference would be given to the person having :
  - a) degree in law;
  - b) association with a NGO and
  - c) knowledge of the Power Sector:

Provided that the remuneration including allowances and other terms and conditions of his/her appointment shall be such as may be approved by the Commission;

- (vii) Not more than two representatives of the consumers and prosumers shall be nominated as members by the licensee with the approval of the Commission:

Provided that one member may be the representative of the industry:

Provided further that the nominated consumer representative shall certify that he/she has no personal interest in the complaint being considered. He/She shall not be entitled to any travelling/incidental expenses for attending the meeting(s) and shall make his/her own arrangements.

- (viii) Every member of the Corporate Forum, except at Sr. No. (iii) above, shall hold office for a period of at least two years. The tenure of a member may be extended by the licensee with the approval of the Commission for a further period of one year.

Provided that no serving officer of the licensee performing the duties of Chairperson/Member of the Forum shall continue after retirement from the service of the licensee.

Provided further that in case the licensee requires to transfer the serving officer working as Chairperson/Member in the Forum (except officer at Sr.No.(iii) above) before the expiry of 2 years tenure due to administrative exigencies, prior approval of the Commission shall be sought.

- (ix) The licensee shall ensure that the posts of the Chairperson/Member of the Forum are not kept vacant for more than one month:

Provided that in case the licensee is unable to fill up the vacant post(s) within a period of one month, the Commission may, at the request of the licensee grant such additional time, as it deems fit, to the licensee for the purpose of filling of such vacancy.

- (x) The Chairperson/members mentioned at Sr. No. (i), (ii) and (vi) shall work full time and shall be provided with suitable office accommodation along with supporting staff by the licensee as is admissible to officers of the equal rank working with the distribution licensee.
- (xi) The licensee shall appoint/designate one of its officers, not lower than the rank of Addl. SE/Sr. XEN, as full time Secretary to the Corporate Forum and shall also provide required supporting staff etc. as approved by the Commission for smooth functioning of the Corporate Forum.
- (xii) The office expenditure of the Corporate Forum will be considered by the Commission while working out the revenue requirement of the Licensee and will be allowed as a pass-through expense.
- (xiii) The proceedings of the Forum shall not be affected in the absence of the nominated independent member and/or consumer representatives.
- (xiv) In case the Chairperson of the Corporate Forum is unable to discharge the functions owing to absence, illness or any other cause, the other Member who is an officer of the Licensee shall discharge the functions of the Chairperson, until the day on which the Chairperson assumes office.
- (xv) The Forum shall ordinarily hold its sittings at its headquarters. However, sittings may also be held at other prominent places by the Corporate Forum within its jurisdiction for public convenience.
- (xvi) The Chairperson of the Corporate Forum shall exercise general powers of superintendence and administrative control over his office and shall be responsible for conduct of business in the office.

## **2.5 Zonal Consumer Grievances Redressal Forum (Zonal Forum)**

The composition of the Zonal Forum and other terms & conditions shall be as follows:-

- (i) The Chairperson of the Zonal Forum shall be the serving Chief Engineer/DS of concerned distribution zone.
- (ii) One serving officer from Accounts & Finance cadre of the rank of CAO/ FA or of equivalent rank shall be nominated by the licensee as Member.
- (iii) One serving officer of the Commercial wing of the rank of Dy. CE/SE shall be nominated by the licensee as Member.
- (iv) One Independent Member who is at least 45 years of age and is familiar with the consumer affairs shall be nominated by the Commission. The independent member shall be a person having at least a graduate degree. He/she shall be nominated for two years and the tenure may be extended further for one year by the Commission subject to maximum age limit of 65 years;

He/she shall be entitled to sitting fee and travelling expenses for attending the meeting(s) as may be approved by the Commission.

- (v) Upto three representatives of the consumers and prosumers shall be nominated by the licensee as special invitees;

Provided that the nominated consumer representative shall certify that he has no personal interest in the complaint being considered. He/She shall not be entitled to any travelling/incidental expenses for attending the meeting(s) and shall make his/her own arrangements.

- (vi) The officers of the distribution licensee shall perform the duties of the Chairperson/Members of the Zonal Forum in addition to their assigned duties without any additional remuneration/perks.
- (vii) The Chairperson shall nominate one official/officer to act as “Nodal Officer” of the Zonal Forum. The Nodal officer shall keep record of all the complaints, prepare the agenda of the each meeting and provide all the assistance as may be required for smooth functioning of Forum.
- (viii) The proceedings of the Forum shall not be affected in the absence of the independent member and/or consumer representatives.

## **2.6 Circle Consumer Grievances Redressal Forum (Circle Forum)**

The composition and other terms & conditions of appointment of the Circle Forum shall be as follows:-

- (i) The Chairperson of the Circle Forum shall be the serving Deputy CE/SE (DS) of the concerned distribution circle.
- (ii) One serving officer from Accounts & Finance cadre of the rank of Dy. CAO/Dy. FA or of equivalent rank shall be nominated by the licensee as Member.
- (iii) One serving officer of the Billing Section of the rank of Addl. SE/Sr. Xen shall be nominated by the licensee as Member.
- (iv) One Independent Member who is at least 45 years of age and is familiar with the consumer affairs shall be nominated by the Commission. The independent member shall be a person having at least a graduate degree. He/she shall be nominated for two years and the tenure may be extended further for one year by the Commission subject to maximum age limit of 65 years.

He/she shall be entitled to sitting fee and travelling expenses for attending the meeting(s) as may be approved by the Commission.

- (v) Upto three representatives of the consumers and prosumers shall be nominated as special invitees by the licensee.

Provided that the nominated consumer representative shall certify that he/she has no personal interest in the complaint being considered. He/She shall not be entitled to any travelling/incidental expenses for attending the meeting(s) and shall make his/her own arrangements.

- (vi) The officers of the distribution licensee shall perform the duties of the Chairperson/Members of the Circle Forum in addition to their assigned duties without any additional remuneration.
- (vii) The Chairperson shall nominate one official/officer to act as “Nodal Officer” of the Circle Forum. The Nodal officer shall keep record of all the complaints, prepare the agenda of the each meeting and provide all the assistance as may be required for smooth functioning of Forum.
- (viii) The proceedings of the Forum shall not be affected in the absence of the independent member and/or consumer representatives .

## **2.7 Divisional Consumer Grievances Redressal Forum (Divisional Forum)**

The composition and other terms & conditions of appointment of the Divisional Forum shall be as follows:-

- (i) The Chairperson of the Divisional Forum shall be the serving Addl.SE/Sr.XEN (DS) of concerned distribution division.
- (ii) One serving officer from Accounts & Finance cadre of the rank of Accounts officer or of equivalent rank shall be nominated by the licensee as Member.

(iii) One serving officer of the rank, of the rank of XEN/AEE/AE preferably dealing with commercial matters, shall be nominated as member by Dy. CE/SE(DS) circle from within the circle.

(iv) One Independent Member who is at least 45 years of age and is familiar with the consumer affairs may be nominated by the Commission. The independent member shall be a person having at least a graduate degree. He/she shall be nominated for two years and the tenure may be extended further for one year by the Commission subject to maximum age limit of 65 years.

He/she shall be entitled to sitting fee and travelling expenses for attending the meeting(s) as may be approved by the Commission.

(v) One representative of the consumers and prosumers may be nominated as special invitee by the distribution licensee.

Provided that the nominated consumer representative shall certify that he has no personal interest in the complaint being considered. He/She shall not be entitled to any travelling/incidental expenses for attending the meeting(s) and shall make his/her own arrangements.

(vi) The officers of the distribution licensee shall perform the duties of the Chairperson/Members of the Divisional Forum in addition to their assigned duties without any additional remuneration.

(vii) The Chairperson shall nominate one official/officer to act as "Nodal Officer" of the Divisional Forum. The Nodal officer shall keep record of all the complaints, prepare the agenda of the each meeting and provide all the assistance as may be required for smooth functioning of Forum.

(viii) The proceedings of the Forum shall not be affected in the absence of the nominated consumer representative and/or independent member.

## **Jurisdiction**

### **2.8 Non-monetary Complaints and Claim for compensation:**

Complaints of general nature such as delay in release of service connection, delay in issue of first bill/subsequent bills, defects in meter/metering equipments, delay in replacement of defective/dead stop meters, failure of power supply, voltage variations, non-restoration of supply in case of interruption or outage/breakdown and other miscellaneous complaints relating to quality of supply/deficiencies in service will be disposed of primarily by the AE/AEE incharge of the sub-division or Sr.XEN/Spl Division, as the case may be.

In case the complainant is not satisfied with the response or service is not rendered within the time frame stipulated in Minimum Standards of Performance specified in Annexure-1 of the Supply Code, 2014 and/or is deficient or seeks payment of compensation on account of failure on the part of the Licensee to meet the Standards of Performance, he/she shall have the right to approach the Appropriate Forum for non-monetary complaints and/or to lodge claim for compensation as under;

All LT supply consumers/complainants-----Divisional Forum

All HT/EHT supply consumers/complainants----- Circle Forum.

Provided that the aggrieved consumer(s) may submit the claim for compensation to the Nodal Officer of the Divisional or Circle Forum, as the case may be, within one month from the date of cause of action.

Provided further that an aggrieved consumer(s), not satisfied with the resolution of his/her grievance and/or award of compensation by the Divisional or Circle Forum, may approach the Corporate Forum within 2 months of the receipt of order of the Divisional or Circle Forum.

Provided also that the claim for compensation on account of the failure of the distribution licensee to meet Standards of Performance specified by the Commission shall be in accordance with PSERC(Electricity Supply Code and Related Matters) Regulations, 2014, as amended from time to time.

Provided also that an aggrieved consumer(s), not satisfied with the resolution of his/her grievance and/or award of compensation by the Corporate Forum, may approach the Ombudsman within 30 days of the receipt of the order of Corporate Forum.

Provided also that the Appropriate Forum may, for reasons to be recorded in writing, entertain a complaint and/or claim for compensation which does not meet the aforesaid requirements in case of genuine difficulty.

Provided also that the Corporate Forum shall have the right to take up the matter suo-moto with respect to the electricity services provided by the distribution licensee if the same fulfils the requirements specified in sub-regulation (e) read with sub-regulation (g) of Regulation 1.5.

## **2.9 Monetary Complaints**

Complaints relating to the supply of electricity by distribution licensee involving monetary disputes including but not limited to wrong billing, application of wrong tariff or difference of service connection charges/general charges or security (consumption), overhauling of account due to defective/inaccurate metering, levy of voltage surcharge, billing of supplementary amount or any other charges except those arising on matters pertaining to Open Access granted under the Electricity Act, 2003 and Sections 126, 127, 135 to 140, 142, 143, 146, 152 and 161 of the Act shall be disposed of by the respective Forum in accordance with these Regulations as per the monetary limits specified in Regulations 2.9.1 and 2.9.2 hereunder;

### **2.9.1 Corporate Forum**

- (i) The Corporate Forum shall have the jurisdiction to dispose of all the monetary disputes of an amount exceeding Rs. Five lakh (Rs.5,00,000/-) in each case. Provided that the complaint/representation is made within two years from the date of cause of action.
- (ii) Any complainant aggrieved by non-redressal of his grievance within the time period specified by the Commission or is not satisfied with the redressal of the complaint by the Zonal or Circle or Divisional Forum may himself or through his authorized representative, approach the Corporate Forum in writing for the redressal of his grievance.

Provided that the Corporate Forum shall entertain only those complaints against the orders of Zonal or Circle or Divisional Forum, as the case may be, where the representation is made within 2 months from the date of receipt of the orders of respective Zonal/Circle/Divisional Forum, as the case may be.

Provided further that the Corporate Forum may, for reasons to be recorded in writing, entertain a complaint which does not meet the aforesaid requirements.

### **2.9.2 Zonal/Circle/Divisional Forum**

#### **(i) Zonal Forum:**

The Zonal Forum shall have the jurisdiction to dispose of the complaints involving monetary disputes of an amount exceeding Rs. Two lakh (Rs.2,00,000/-) and upto Rs. Five lakh (Rs.5,00,000/-) in each case.

#### **(ii) Circle Forum**

The Circle Forum shall have the jurisdiction to dispose of the complaints involving monetary disputes of an

amount exceeding Rs. Fifty thousand (Rs.50,000/-) and upto Rs. Two lakh (Rs.2,00,000/-) in each case.

### **(iii) Divisional Forum**

The Divisional Forum shall have the jurisdiction to dispose of the complaints involving monetary disputes up to Rs. Fifty thousand (Rs.50,000/-) in each case.

(iv) The Zonal/Circle/Divisional Forum shall entertain only those complaints where the representation is made within 2 years from the date of cause of action.

### **General**

- 2.10 No act or proceeding of the Forum shall be deemed to be invalid by reason only of some defect in the constitution of the Forum or by reason of the existence of a vacancy among its members.
- 2.11 The proceedings of the Forum shall not be affected in the absence of the independent member and/or nominated consumer representative.
- 2.12 No adjournment shall ordinarily be granted by the Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum.
- 2.13 The Forum shall comply with such general directions or order as the Commission may issue from time to time in the interest of efficient and effective redressal of grievances in a timely and expeditious manner.
- 2.14 The licensee shall give wide publicity to the formation of the Forum and the address of the Forum shall be displayed at all the offices of the distribution licensee to facilitate easy registration of grievances by consumers.
- 2.15 The quorum for Corporate Forum shall be three members out of which atleast two shall be officers of the distribution licensee. The quorum for Zonal/Circle/Divisional Forum shall be two officers of the distribution licensee. All the decisions shall be taken on the basis of majority of the members present and voting. In case of equality of votes on any issue, the Chairperson shall, in addition, have a casting vote.

Provided that the special invitees nominated by the distribution licensee in Zonal/Circle/Divisional Forum shall not have voting rights but in case of dissent their views shall be duly recorded in the proceedings.

- 2.16 The Forum shall not entertain a complaint for which any proceedings are pending before any Court, Authority or any other Forum established by law, or where a decree, award or a final order has already been passed by any competent Court, Authority or Forum.
- 2.17 The Chairperson of the Forum shall exercise general powers of superintendence and administrative control over his office and shall be responsible for conduct of business of the Forum.

### **Grievance filing**

- 2.18 Every grievance to the Forum must be submitted in writing to the Forum stating-
  - (a) the name of the individual or the organization, complete postal address, telephone number, fax number and the E-mail address (if any) of the complainant;
  - (b) the name of licensee's office viz. sub-division, division or circle office, as applicable, to which the grievance pertains ;
  - (c) a full description of the matter, which is the source of the grievance, including copies of any relevant and supporting documents, if any;
  - (d) the relief prayed for ;
  - (e) that the matter is not pending before any other court, authority or forum.

2.19 Before submitting a complaint involving monetary dispute to the Appropriate Forum, the consumer shall be required to deposit following amount (inclusive of amount already deposited on this account), with the Licensee, through any mode of payment specified in Regulation 31.5 of the Supply Code, 2014, as amended from time to time, pending disposal of any dispute between the complainant and the Licensee and attach a copy of the receipt with the complaint:

i) **Disputed current electricity bill amount (covered under Regulation 35 of Supply Code, 2014):** payment as specified in Regulation 35.1.1 of Supply Code, 2014, as amended from time to time. The existing provision is as under;

(a) an amount equal to the sum claimed from him;

**or**

(b) the electricity charges for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the distribution licensee.

ii) **Cases Other than that covered under (i) above:** 20% of the disputed amount other than the current bill amount.

Provided that in case a complainant approaches the Corporate Forum against the decision of the Zonal or Circle or Divisional Forum and had already deposited the amount as mentioned above, no additional amount shall be required to be deposited by the complainant.

Provided further that in case the consumer is unable to make payment as specified above, the Chairperson of the Forum shall be competent to fix the amount to be deposited before consideration of the grievance by the Forum.

2.20 A copy of response, if any, from the licensee shall be enclosed.

2.21 The Forum may seek additional information and details from the complainant(s).

2.22 The Forum may receive complaints through e-mail or facsimile mode and also during its sittings at places other than its headquarters subject to fulfillment of such requirements as the Forum may consider appropriate.

2.23 The grievances shall be prioritized for redressal based on the following priority order:

- a) Non-Supply
- b) Connection
- c) Disconnection of supply
- d) Meter-related issues
- e) Billing-related issues
- f) Other issues viz deficiency in service &/or performance &/or safety norms etc.

2.24 In case of grievances related to non-supply, connection or disconnection of supply, the Forum shall pass the order within 15 days of filing of the grievance.

Provided also that in the event of grievance being disposed of after the maximum period specified above, the Forum should record in writing, the reasons for the same at the time of disposing the said grievance and inform the Ombudsman.

2.25 The Forum may reject the grievance (other than claim for compensation) at any stage, through a speaking

order, under the following circumstances:

- a) In cases where proceedings in respect of the same matter and between the same Complainant and the Licensee are pending before any Court, Tribunal, Arbitrator or any other Authority, or a decree or award or a final order has already been passed by any such Court, Tribunal, Arbitrator or authority;
- b) In cases which fall under Sections 126, 127, 135 to 140, 142, 143, 146, 152 and 161 of the Act or the matters relating to open access granted under the Act;
- c) In cases where the grievance has been submitted to the Corporate or Zonal or Circle or Divisional Forum, as per the monetary jurisdiction, two years after the date on which the cause of action has arisen or submitted to Corporate Forum after two months from the date of receipt of the orders of Zonal or Circle or Divisional Forum; and
- d) In the case of grievances which are:
  - Frivolous, vexatious, malafide;
  - Without any sufficient cause; or
  - Where there is no prima facie loss or damage or inconvenience caused to the Complainant or the consumers who are represented by an association or group of consumers.

Provided that no grievance shall be rejected unless the Complainant has been given an opportunity of being heard.

#### **Grievance handling procedure**

- 2.26 On receipt of the consumer grievance, the Secretary/Nodal officer to the Forum, as the case may be, shall make an endorsement on the grievance subscribing his dated initial.
- 2.27 Consumer grievances received shall be registered and serially numbered for each year. Within 3 working days of the receipt of a consumer grievance, the Secretary/Nodal officer to the Forum shall send an acknowledgement to the applicant showing serial number and date of receipt of the complaint/grievance. He shall also be responsible to inform the complainant of the status of his complaint in case of inquiry by the complainant in this regard.
- 2.28 A copy of the grievance shall be forwarded simultaneously to the concerned officer of the licensee for redressal or to file objection, if any, in writing in case the licensee is not agreeable to the request of the complainant.
- 2.29 The employee nominated/authorized in this regard by the licensee or the employee named in the complaint shall furnish the parawise comments on the grievance within 10 days from the date of receipt of the letter from the Forum, failing which the Forum shall proceed on the basis of the material available on record.
- 2.30 The Forum may call for further information or record from the Licensee or the complainant that it considers relevant for examination and disposal of the grievance and the parties shall be under obligation to provide such information or record as the Forum may call for. The concerned party will send the same to the Forum within 7 days of receipt of its requisition. Where a party fails to provide such information, document or record within the stipulated time and the Forum is satisfied that the party in possession of the record is withholding it deliberately, it may draw an adverse inference.

Provided that the Corporate Forum may call for information or record from the concerned Zonal/Circle/Divisional Forum pertaining to the proceedings in the respective Forum.

2.31 On receipt of the comments from the concerned officer of the licensee or otherwise and after conducting or having such inquiry or local inspection conducted as the Forum may consider necessary, and after affording reasonable opportunity of hearing to the parties, the Forum shall pass appropriate orders for disposal of the grievance, within a period not exceeding forty five (45) days from the date of receipt of the complaint/grievance. The complaint/grievance by senior citizens physically challenged or person suffering from serious ailments shall be disposed of on priority. However the order in case of grievance relating to non-supply, connection or disconnection of supply shall be issued by the Forum within 15 days of the filing of the grievance.

2.32 The Forum may direct the Licensee to undertake an inspection with regard to the grievance, as may be required for expeditious redressal. The Forum may also engage a third party (other than the licensee) at the instance and request of the Complainant, to undertake inspection and obtain an independent report. The Forum shall record the reasons for the need for such third-party inspection, which should generally be resorted to rarely and keeping in view the special circumstances of a case. The expenses of such third-party inspection shall be payable by the Complainant and got deposited in advance.

2.33 The decisions of the Forum will be recorded duly supported by reasons. The Order of the Forum will be communicated to the complainant and the Licensee in writing within 7 days of the passing of the Order. The Licensee shall comply with the order of the Forum within 21 days from the date of receipt of the order. In appropriate cases, considering the nature of the case, the Forum, upon the request of the Licensee, may extend the period for compliance of its order up to a maximum of three months.

In case of non-compliance of the Order of the Forum, the aggrieved consumer may approach the Ombudsman who will provide the consumer as well as the Licensee an opportunity of being heard. On the report of the Ombudsman, the Commission may initiate proceedings under section 142 of the Act for violation of the Regulations framed by the Commission.

2.34 The Forum may, subject to the Supply Code, 2014, as amended from time to time, allow interest on recoverable/ refundable amount, if any, by either party as under:

- i) **Cases covered under 2.19 (i) above :** as per Regulations 35.1.3 & 35.1.4 of Supply Code, 2014, as amended from time to time;
- ii) **Cases covered under 2.19 (ii) above:** at SBI Base Rate prevalent on 1st of April of the relevant year plus 2%.

2.35 Where the complainant or the licensee fails to appear before the Forum on the date fixed for hearing on more than two occasions, the Forum may decide the complaint ex-parte.

2.36 The Forum may evolve procedure conforming to the principles of fair play and justice for efficient discharge of its functions. It shall also follow the guidelines, if any, given by the Commission regarding the procedure to be adopted by it for handling the complaints.

2.37 Any complainant aggrieved by orders of the Corporate Forum may prefer a representation before the Ombudsman appointed / designated by the Commission within a period of 30 days from the receipt of the orders of the Corporate Forum.

#### **Special Provision: Interim Order:**

2.38 Upon request of the Complainant, the Forum may issue such interim orders pending final disposal of the grievance as it may consider necessary including but not restricted to grant of temporary injunction to stay or prevent or restrain such act as the Forum thinks fit.

Provided that the Forum shall have the powers to pass such an interim order in any proceeding, hearing or matter before it, as it may consider appropriate if the Complainant satisfies the Forum that prima facie, the Distribution Licensee has threatened or is likely to remove or disconnect the electricity connection, and has or is likely to contravene any provisions of the Act or any rules and regulations made thereunder or any order of the Commission, provided that the Forum has jurisdiction on such matter.

Provided further that, except where it appears that the object of passing such the interim order would be defeated by delay, no such interim order shall be passed unless the opposite party has been given an opportunity of being heard.

Provided also that where any injunction has been granted by the Forum without notice to the opposite party, the Forum shall make efforts to finally dispose of the application within 30 days from the date on which the injunction was granted.

Provided also that any interim order may be reviewed/set aside by the Forum on an application made by any party if it is found that the complainant has made a false or misleading statement.

### **Reasoned Orders and Escalation Mechanism**

2.39 Every order made by the Forum shall be a speaking order and signed by the Members conducting the proceedings. Where the Members differ on any point or points, the opinion of the majority shall be the order of the Forum. The opinion of the minority shall, however, be recorded and form part of the order.

Provided that every order of the Zonal/Circle/Divisional Forum shall indicate clearly that the complainant may approach the Corporate Forum in case he/she is not satisfied with the order of the Zonal/Circle/Divisional Forum within 2 months of the receipt of the Order of respective Forum.

Provided further that every order of the Corporate Forum shall indicate clearly that the complainant may approach the Ombudsman in case he/she is not satisfied with the order of the Corporate Forum within 30 days of the receipt of the Order of Corporate Forum.

2.40 The Forum may settle any grievance in terms of an agreement reached between the parties at any stage of the proceedings before it and there shall be no right of representation before the Ombudsman against such an order.

### **Inspection of records and supply of certified copies**

2.41 The complainant and the licensee may obtain certified copies of the orders, decisions, directions and reasons in support thereof given by the Forum in respect of the complaint.

2.42 Any person may obtain copy of the orders of the Forum subject to payment of fee @ Rs.3 per page subject to minimum of Rs.100/- and after complying with such other terms, which the Forum may specify.

### **Monitoring of the consumer grievances**

2.43 The Forum will keep a record of consumer grievances submitted to it and the decisions thereof and make available such records for inspection of the Ombudsman and the Commission, as and when required.

2.44 The Forum shall submit a quarterly report within 15 days of the close of each quarter to the Ombudsman and the Commission with a copy to the distribution licensee in respect of Standards of Performance, other performance parameters and consumer grievances related information showing the extent to which the time schedule has been followed in redressing the consumer grievances.

2.45 The distribution licensee shall set up a mechanism for monitoring of the grievances redressal within 3 months of the notification of these Regulations.

2.46 The Commission shall monitor the performance of the Fora and may issue such directions from time to time, as deemed fit, to ensure implementation of these Regulations in letter and spirit.

#### **4. Amendments in Regulation 3.20**

The words and figures of “fifteen days” appearing in the second sentence of the Regulation 3.20 of the Principal Regulations shall be substituted with words and figures “Ten Days”.

#### **5. Amendments in Regulation 3.23**

The word “Forum” appearing in the third proviso to Regulation 3.23 of the Principal Regulations shall be substituted by the word “Ombudsman”.

#### **6. Amendments in Regulation 3.25**

The words and figures of “60 days” appearing in the first sentence of the Regulation 3.25 of the Principal Regulations shall be substituted with words and figures “45 Days”.

#### **7. Amendments in Regulation 3.29**

The Regulation 3.29 of the Principal Regulations shall be substituted as under;

“For the purpose of carrying out his duties, Ombudsman shall have the same powers to call for records or information as are available to the Forum under Regulation 2.30.”

#### **8. Amendments in Regulation 4.8 to 4.13**

The Regulations 4.8 to 4.13 under Chapter IV of the Principal Regulations shall be substituted as under;

##### **Repeal and Savings**

4.8 Save as otherwise provided, the “Consumer Complaint Handling Procedure” (CCHP), along with amendments, approved by the Commission shall be repealed from the date of publication of these Regulations in the Punjab Government Gazette.

4.9 Notwithstanding sub-regulation 4.8 above, anything done or any action taken or purported to have been done or taken or any document or instrument executed or any direction given under the repealed CCHP, shall, in so far as it is not inconsistent with the provisions of these Regulations, be deemed to have been done, taken, made or given under the corresponding provisions of these Regulations.

4.10 The Forum for Redressal of Grievances of Consumers constituted under the Principal Regulations, shall continue to perform its duties in accordance with the provisions of the Principal Regulations till it is reconstituted under PSERC (Forum and Ombudsman) (2nd amendment) Regulations, 2021.

Provided that anything done or any action taken or purported to have been done or taken or any document or instrument executed or any direction given by the Forum for Redressal of Grievances of Consumers constituted under the Principal Regulations shall, in so far as it is not inconsistent with the provisions of these Regulations, be deemed to have been done, taken, made or given under the corresponding provisions of these Regulations.

4.12 All appointments (other than of serving officers of the distribution licensee) made before the commencement of these Regulations shall continue to be governed by the terms and conditions under which such appointments have been made till the expiry of the present term.

4.13 On the commencement of these Regulations, any reference to “Consumer Complaint Handling Procedure (CCHP) in any other Regulations or Order of the Commission shall be deemed to be replaced with “PSERC (Forum and Ombudsman) Regulations, 2016, as amended from time to time.

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- 4.14 On the commencement of these Regulations, any reference to the “Forum” or “CGRF” or “Dispute Settlement Committee” in Chapter III of the Principal Regulations and/or in Supply Code, 2014 and/or in any other Regulations or Orders of the Commission shall deemed to be replaced by the word “Appropriate Forum”.
- 4.15 Nothing contained in these regulations shall affect the rights and privileges of the consumers under any other law for the time being in force.

**By Order of the Commission**

Sd/-  
Secretary of the Commission

**Note:**

The **Principal Regulations** were issued vide Notification No. PSERC/Secy./Regu.117 dated 26.12.2016 published in Punjab Govt. Gaz.(Extra) dated 29th December, 2016 and further amended vide:

**The 1st amendment to the Principal Regulations issued vide Notification No/. PSERC/Secy./Regu.154 dated 16.12.2020 published in Punjab Govt. Gaz.(Extra) dated 17th December, 2020.**